

(e) Dr. 13A4m (J)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMIDA CAPITAL MANAGEMENT II,
LLC,

Plaintiff,

-against-

CERBERUS CAPITAL MANAGEMENT,
L.P.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/4/08

ECF Case

Case No. 1:08-cv-05516-MGC

NOTICE OF WITHDRAWAL OF MOTION

Defendant Cerberus Capital Management, LLP hereby withdraws, without prejudice, its August 7, 2008 Motion to Dismiss the Complaint (Dkt. #9).

Dated: New York, New York
August 20, 2008

MILBANK, TWEED, HADLEY & McCLOY
LLP

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S/ U.S.D.J.
September 2, 2008

CERTIFICATE OF SERVICE

I, Michael L. Hirschfeld, an attorney duly admitted to practice before the United States District Court for the Southern District of New York, certify that on August 20, 2008, I caused a copy of the foregoing Notice of Withdrawal of Motion to be mailed by Federal Express, overnight delivery, to:

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